

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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EDITH C. MAZZONE.,

Plaintiffs,

ANSWER

-against-

Docket No. 16-3620 ILG

**GREENPOINT ITALY PIZZA CORP d/b/a
ITALY PIZZA**

VOYNAR REALTY LLC.,

Date: August 4, 2016

Defendants.

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Defendant Greenpoint Italy Pizza Corp d/b/a/ Italy Pizza., as and for their answer to the complaint herein, through his attorney THE LAW FIRM OF ADAM KALISH P.C., states as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "1" of the Complaint and accordingly the same is denied.
2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "2" of the Complaint and accordingly the same is denied.
3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "3" of the Complaint and accordingly the same is denied.
4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "4" of the Complaint and accordingly the same is denied.
5. Admit the allegation set forth in paragraph "5" of the complaint.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “6” of the Complaint and accordingly the same is denied.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “7” of the Complaint and accordingly the same is denied.

8. Admit the allegation set forth in paragraph “8” of the complaint

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “9” of the Complaint and accordingly the same is denied.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “10” of the Complaint and accordingly the same is denied.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “11” of the Complaint and accordingly the same is denied.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “12” of the Complaint and accordingly the same is denied.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “13” of the Complaint and accordingly the same is denied.

14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “14” of the Complaint and accordingly the same is denied.

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “15” of the Complaint and accordingly the same is denied.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “16” of the Complaint and accordingly the same is denied.

17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “17” of the Complaint and accordingly the same is denied.

18. Deny the allegation set forth in paragraph "18" of the complaint.

19. Deny the allegation set forth in paragraph "19" of the complaint.

20. Deny the allegation set forth in paragraph "20" of the complaint.

21. Deny the allegation set forth in paragraph "21" of the complaint.

22. Deny the allegation set forth in paragraph "22" of the complaint.

23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "23" of the Complaint and accordingly the same is denied.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "24" of the Complaint and accordingly the same is denied.

25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "25" of the Complaint and accordingly the same is denied.

26. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "26" of the Complaint and accordingly the same is denied.

27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "27" of the Complaint and accordingly the same is denied.

28. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "28" of the Complaint and accordingly the same is denied.

29. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "29" of the Complaint and accordingly the same is denied.

30. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "30" of the Complaint and accordingly the same is denied.

31. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "31" of the Complaint and accordingly the same is denied.

32. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “32” of the Complaint and accordingly the same is denied.

33. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “33” of the Complaint and accordingly the same is denied.

34. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “34” of the Complaint and accordingly the same is denied.

35. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “35” of the Complaint and accordingly the same is denied.

36. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “36” of the Complaint and accordingly the same is denied.

37. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “37” of the Complaint and accordingly the same is denied.

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “38” of the Complaint and accordingly the same is denied.

39. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “39” of the Complaint and accordingly the same is denied

40. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “40” of the Complaint and accordingly the same is denied.

41. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “41” of the Complaint and accordingly the same is denied.

42. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “42” of the Complaint and accordingly the same is denied.

43. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “43” of the Complaint and accordingly the same is denied.

44. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “44” of the Complaint and accordingly the same is denied.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “45” of the Complaint and accordingly the same is denied.

46. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “46” of the Complaint and accordingly the same is denied.

47. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “47” of the Complaint and accordingly the same is denied.

48. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “48” of the Complaint and accordingly the same is denied.

49. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “49” of the Complaint and accordingly the same is denied.

50. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “50” of the Complaint and accordingly the same is denied.

51. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “51” of the Complaint and accordingly the same is denied.

52. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “52” of the Complaint and accordingly the same is denied.

53. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “53” of the Complaint and accordingly the same is denied.

AFFIRMATIVE DEFENSES
AS AND FOR A FIRST AFFIRMATIVE DEFENSE

54. Plaintiff's Complaint fails to state a cause of action(s) against Defendant for which relief may be granted and should be dismissed.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

55. Defendant Greenpoint Italy Pizza Corp d/b/a/ Italy Pizza did not discriminate within the meaning of the ADA since it is not a new construction and has not altered by, on behalf of, or for the use of an establishment in a manner that affects or could affect the usability of the facility or part thereof since 1991.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

56. Plaintiff's complaint and proposal for changes to the facility are virtually impossible in light of the nature of the facility.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

57. Plaintiff's complaint and proposals for changes in the complaint, proposes costs that far exceed the benefits.

COUNTERCLAIMS

AS AND FOR A FIRST COUNTER CLAIM

42 U.S. CODE 12205

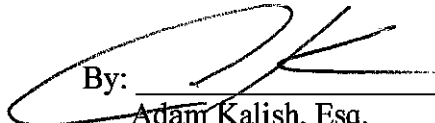
58. The undersigned has been retained by Defendant and Defendant is entitled to recover fair and reasonable attorneys' fees, costs and litigations expenses from the plaintiff pursuant to 42 U.S.C. 12205 for having to employ the services of an attorney to fight off such frivolous suits.

WHEREFORE, Defendant respectfully requests that this Court enter judgment as follows:

- a. Dismissing the complaint
- b. granting to Defendant the costs, expenses, and disbursements resulting from this litigation, including attorneys' fees;
- c. Awarding such other and further relief as this Court deems just, necessary, and proper.

Dated: Brooklyn, New York
August 4, 2016

Yours, etc.
THE LAW FIRM OF ADAM KALISH PC
Attorney for Defendant(s)
Greenpoint Italy Pizza Corp d/b/a/ Italy
Pizza

By: 
Adam Kalish, Esq.
9306 Flatlands Avenue
Brooklyn, New York 11236
(718) 272-6040

To: Tara Demetriades
ADA Accessibility Associates
1076 Wolver Hollow Road
Oyster Bay, New York 11771

VERIFICATION

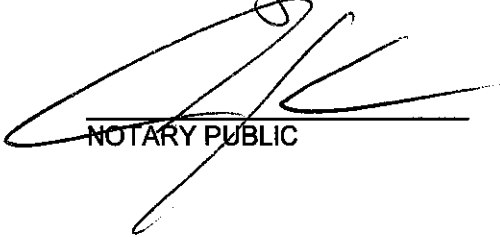
STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

ANTHONY PALMERI being duly sworn, deposes and says:

That I am an officer in the named defendant corporation and I am authorized to sign the verification on behalf of the corporation. I have read the foregoing Verified Answer and know the contents thereof and the same is true to my knowledge, except as to matter therein stated to be alleged upon information and belief, and as to those matter I believe them to be true.

By: 
Anthony Palmeri

Sworn to before me this 5
day of August, 2016.


NOTARY PUBLIC

